

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Tiffany McCreay

(b) County of Residence of First Listed Plaintiff Davidson
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS Universal Health Services d/b/a
Hermitage Hall
Corey Jackson, Kathryn Murphy, Mark Fleming
Paula Vance

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title VII of the Civil Rights Act

Brief description of cause:

Harassment, Discrimination and Retaliation

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

Division

Case No. _____

(to be filled in by the Clerk's Office)

Tiffany McCray

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

-v-
Universal Health Services d/b/a
Hermitage Hall
Corey Jackson - individual MARK Fleming - individual
Kathryn Murphy - individual
Paula Vance - individual

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Tiffany McCray

Street Address

PO Box 140875

City and County

Nashville Davidson County

State and Zip Code

TN 37214

Telephone Number

E-mail Address

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Universal Health Services
1000 Health Park Dr #400
Brentwood
TN 37027
615 250 0000

Defendant No. 2

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Corey Jackson
COO
934 Briarcliff Rd NE
Atlanta
GA 30306
404 888 7860

Defendant No. 3

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Kathryn Murphy
DON
1220 8th Ave S
Nashville Davidson
TN 37203
615 742 3000

Defendant No. 4

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Paula Vance
HR Director
1220 8th Ave S
Nashville Davidson
TN 37203
615 742 3000

Defendant No. 15

Name

Mark Fleming

Job or Title (if known)

Street Address

1000 Health Park Dr #400

City and County

Brentwood

State and Zip Code

TN

37027

Telephone Number

615 250 0000

E-mail Address (if known)

Defendant No. 2

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Defendant No. 3

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Defendant No. 4

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	Hermitage Hall
Street Address	1220 8th Ave S
City and County	Nashville Davidson
State and Zip Code	TN 37203
Telephone Number	615 742 3000

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☒ Other federal law (specify the federal law):

☒ Relevant state law (specify, if known):

☒ Relevant city or county law (specify, if known):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☒ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☒ Other acts *(specify)*: Sexual harassment

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

Multi

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race _____
- ☐ color _____
- ☒ gender/sex _____
- ☐ religion _____
- ☐ national origin _____
- ☒ age *(year of birth)* _____ *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)* _____

E. The facts of my case are as follows. Attach additional pages if needed.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

March 2019

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)* _____.

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☒

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

30 Jan 2020

Signature of Plaintiff

Printed Name of Plaintiff

Tiffany McCray → Tiffany McCray**B. For Attorneys**

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

Complaint

As plaintiff, I Tiffany McCray allege that unlawful acts were committed on behalf of the defendant Universal Health Services d/b/a Hermitage Hall, Corey Jackson COO, Kathryn Murphy DON, Paula Vance and Dr Mark Fleming. This complaint is the result of a series of unlawful acts that resulted in a constructive discharge that occurred on or around May 12, 2019.

Background

1. While employed by Universal Health Services d/b/a Hermitage Hall I was subjected to unlawful treatment to include but not limited to sexual harassment, retaliation, age and racial discrimination.
2. In May of 2018 Kathryn Murphy disclosed to me that Corey Jackson COO was her "Boyfriend." Corey Jackson was also engaged in an intimate relationship with the plaintiff.
3. In May of 2018 Corey Jackson was made aware that Kathryn Murphy had disclosed to me that they were in an intimate relationship.
4. After making Corey Jackson aware of this disclosure he subsequently participated in inappropriate conduct. I discouraged and rejected the inappropriate conduct.
5. On or around Jun 5, 2018 I witnessed a nurse peer impaired at work. It is my belief that the nurse peer administered prescribed medication to minor children while impaired. A minor child specifically complained of a medication administration error. CEO Jason Mcpherson was absent from the facility on this day. At the time of this event Corey Jackson held the title of COO and Risk manager. He was also acting in a primary supervisory position due to absence of the CEO. I did notify COO Corey Jackson and stated that there were numerous complaints about residents receiving the wrong medication. Kathryn Murphy interim Nursing Director was absent on the day of this event. Upon Kathryn Murphys return It is alleged that she falsified documents related

to the event. I also believe that she allowed the impaired nurse to affirm administration of medication that she would not have been cognizant of administering. Hermitage Hall provides services for youth who struggle with social, emotional and behavioral difficulties. Some of these minor children come from homes with issues related to substance abuse or they may have a personal history of substance abuse. The offending nurse peer was not a member of a protected class. She retained employment at Hermitage Hall after this incident

6. On or around July 23, 2018 I complained to Carrie Lovett. A complaint was made relative to Corey Jacksons behavior and other inappropriate matters to include workplace safety and concerns related to the well-being of the minor children residing at the facility.
7. Corey Jackson was appointed as Interim CEO. It is believed that during that appointment Kathryn Murphy reported directly to him.
8. After the complaint was made HR Director Paula Vance made notification that an investigation was initiated. She also made notification that she would initiate an inquiry/ investigation for claims related to Kathryn Murphy only. In the matter of Kathryn Murphy there was no inquiry made to me related to the claim of falsification of documentation. Per policy Falsification of documentation may result in corrective action up to or including termination. Policy 2.25 also includes the following for corrective action up to or including termination for the following:
Noncompliance with established facility policy, It is unknown if my claim related to this matter was pursued. HR director Paula Vance was aware of the full scope of the complaint to include the complaint related to Corey Jackson. The initial complaint was made on or around July 23, 2018. As of Sept 14, 2018. I had not received an outcome or response related to my complaint. I did not learn of the outcome of the investigation until a position statement was submitted to EEOC on or around May 17, 2019. In that position statement Corey Jackson stated that he was in a relationship with me for a short time. Corey Jackson pursued me while I was in orientation

(Dec 2015) for employment. I did not know him prior to my employment at Hermitage Hall. Also in that position statement Kathryn Murphy denied a relationship with Corey Jackson.

9. On one occasion I received preventative counseling which is a type of corrective action. The HR director Paula Vance was aware that it was not applicable due to the date that it was submitted. I expressed concerns to the CEO that Kathryn Murphy with the support of the Paula Vance were retrieving outdated infractions, it is alleged that the intent was to begin creating a basis for termination.
10. During my time of employment I observed patterns of what I believe to be racial discrimination against myself and other employees who were members of a protected class. Written policies were applied to the detriment of members of a protected class.
11. It is my belief that race was a deciding factor for a job assignment. In August 2018 I applied for an internal assignment. At the time of my application I was performing the required job duties for that position. I had already worked in that assignment upon my initial hire. The person previously working in that position possessed the same licensure as myself. We also shared the same supervisor. The prior employee was not a member of a protected class. The subsequent hire for that position was not a member of a protected class. Additionally, the hiring of the subsequent candidate violated UHS policy. Per policy the candidate must have possessed the appropriate licensure at the time of hiring. That employee was not licensed at the time hire, she had no prior experience as a licensed nurse and she was not a member of a protected class. I was qualified for the position and had been performing the duties of the position. However, the HR director advised me that she "Held on" to my request so they could continue to search for other candidates. I was informed that the unlicensed candidate was a more qualified candidate. On a second attempt to obtain the assignment I was given a different reason for non-selection. A reason that was not indicated upon the initial rejection.

12. Universal Health services and its agents engaged in unlawful practices that would deter a reasonable person from participating in a protected activity.
13. The defendant failed to supervise its agents in an effort to prevent unlawful behavior
14. The defendant further failed at sufficient inquiry and taking corrective action after issues were reported
15. I, the plaintiff sustained injury as a result of the actions of the defendant and its agents.
16. There is a relationship between the actions of the defendant and the injuries sustained by the plaintiff.
17. In the matter of this complaint the defendant UHS d/b/a Hermitage Hall was liable for its agents and its agents actions.
18. As a direct result of the defendants unlawful actions I, the plaintiff have suffered damages including but not limited to emotional distress and anguish.

Related to my claim

- A. As plaintiff I am requesting the following:
- B. Compensatory damages in the maximum amount allowable
- C. Punitive damages in the maximum amount allowable
- D. Attorneys fees if counsel is obtained
- E. All costs incurred in prosecuting this action and discretionary cost provided under Tennessee law
- F. Other relief that plaintiff may be entitled to.

Respectfully Submitted

Tiffany McCray
PO Box 140875
Nashville TN 37214

EEOC Form 161-B (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Tiffany Mccray**
208 Timberway Dr
Nashville, TN 37214

From: **Nashville Area Office**
220 Athens Way
Suite 350
Nashville, TN 37228



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

494-2019-00195

Cynthia D. Lamar-Johnson,
Investigator

(615) 736-2104

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:



The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.



The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Deborah K. Walker (cj)

Deborah K. Walker,
Area Office Director

NOV 05 2019

(Date Mailed)

Enclosures(s)

cc:

HERMITAGE HALL
1220 8th Ave S
Nashville, TN 37203

Enclosure with EEOC
Form 181-B (11/16)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10 -- not 12/1/10** -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

Enclosures(s)

cc: Julie Donahue
UNIVERSAL HEALTH SERVICES, INC.
367 South Gulph Road
King Of Prussia, PA 19406

CIRCUIT COURT SUMMONS

NASHVILLE, TENNESSEE

Service ID 146541

**STATE OF TENNESSEE
DAVIDSON COUNTY
20TH JUDICIAL DISTRICT**

MCCRAY, TIFFANY

Plaintiff

vs.

UNIVERSAL HEALTH SERVICES
1000 HEALTH PARK DR #400
BRENTWOOD, TN 37027

Defendant

CIVIL ACTION
DOCKET NO. 20C259
Method of Service:
Certified Mail

To the above named Defendant:

You are summoned to appear and defend a civil action filed against you in the Circuit Court, 1 Public Square, Room 302, P.O. Box 196303, Nashville, TN 37219-6303, and your defense must be made within thirty (30) days from the date this Summons is served upon you. You are further directed to file your defense with the Clerk of the Court and send a copy to the Plaintiff's attorney at the address listed below.

In case of your failure to defend this action by the above date, judgment by default will be rendered against you for the relief demanded in the Complaint.

ISSUED: 03/12/2020

RICHARD R. ROOKER

Circuit Court Clerk
Davidson County, Tennessee

By: /s/ Marshall McCune
Deputy Clerk

ADDRESS OF PLAINTIFF'S ATTORNEY OR PLAINTIFF:

TIFFANY MCCRAY
PO BOX 140875
NASHVILLE, TN 37214

NOTICE TO THE DEFENDANT:

Tennessee law provides a Ten Thousand and 00/100 Dollars (\$10,000.00) debtor's equity interest personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

CERTIFICATION

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

I, Richard R. Rooker, Clerk of the Circuit Court in the State and County aforesaid, do hereby certify this to be a true and correct copy of the original summons issued in this case.

RICHARD R. ROOKER, CLERK

By: /s/ Marshall McCune D.C.

To request an ADA accommodation, please contact Dart Gore at (615) 880-3309

CIRCUIT COURT SUMMONS

NASHVILLE, TENNESSEE

Service ID

**STATE OF TENNESSEE
DAVIDSON COUNTY
20TH JUDICIAL DISTRICT**

MCCRAY, TIFFANY

Plaintiff

vs.

UNIVERSAL HEALTH SERVICES
1000 HEALTH PARK DR #400
BRENTWOOD, TN 37027

Defendant

CIVIL ACTION
DOCKET NO. 20C259
Method of Service:
Certified Mail

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify and return, that on the _____ day of _____, 20____, I sent, postage prepaid by registered return receipt mail or certified return receipt mail, a certified copy of the Summons and a copy of the Complaint/Petition in Docket No. 20C259 to the Defendant, UNIVERSAL HEALTH SERVICES . On the _____ day of _____, 20____, I received the return receipt for said registered or certified mail, which had been signed by _____ on the _____ day of _____, 20____. Said return receipt is filed with the original Summons Return and both documents are being sent herewith to the Circuit Court Clerk for filing.

SWORN TO AND SUBSCRIBED BEFORE ME, ON THIS
_____ DAY OF _____, 20____.

PLAINTIFF, PLAINTIFF'S ATTORNEY or OTHER PERSON
AUTHORIZED BY STATUTE TO SERVE PROCESS

NOTARY PUBLIC or _____DEPUTY CLERK
MY COMMISSION EXPIRES: _____



To request an ADA accommodation, please contact Dart Gore at (615) 880-3309

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Tiffany McCray

(b) County of Residence of First Listed Plaintiff Davidson
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

Universal Health Services
d/b/a Hermitage Hall

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	REAL PROPERTY	LABOR	PROPERTY RIGHTS	OTHER
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title VII of the Civil Rights Act
Brief description of cause: Harassment, Discrimination and retaliation

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

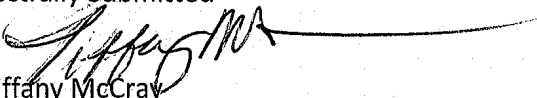
- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Request for motion to Amend Complaint

In the matter of filing of complaint 20C259 I am requesting an amendment to name the proper defendant as Universal Health services d/b/a Hermitage Hall and for clarification of claims. The Amended complaint is titled as "Amended Complaint/petition 20C259." The defendant will be summoned after the decision for this motion.

Respectfully Submitted



Tiffany McCray
PO Box 140875
Nashville TN 37214

Amended Complaint/Petition 20C259

As plaintiff, I Tiffany McCray allege that unlawful acts were committed on behalf of the defendant Universal Health Services (d/b/a Hermitage Hall) and its agents. This complaint is the result of a series of unlawful acts that resulted in a constructive discharge that occurred on or around May 12, 2019.

Background

1. While employed by Universal Health Services the plaintiff was subjected to unlawful treatment to include but not limited to sexual harassment, harassment, retaliation, age and racial discrimination.
2. In May of 2018 Kathryn Murphy disclosed that she and COO Corey Jackson were in an intimate relationship. Corey Jackson was also in an intimate relationship with the plaintiff.
3. In May of 2018 Corey Jackson was made aware that Kathryn Murphy had disclosed details of their intimate relationship to the plaintiff.
4. After COO Corey Jackson was made aware of this disclosure he subsequently participated in inappropriate conduct. The inappropriate conduct was rejected in a manner such that a reasonable party would recognized that the conduct was unwanted.
5. On or around Jun 5, 2018 a nurse peer was witnessed to be impaired at work. It is alleged that the nurse peer administered prescribed medication to minor children while impaired. CEO Jason Mcpherson was absent from the facility on this day. At the time of this event Corey Jackson held the title of COO and Risk manager. He was also acting in a primary supervisory position due to absence of the CEO. Corey Jackson was notified of numerous complaints related to minor children receiving medication that was not prescribed to them. Kathryn Murphy interim Nursing

Director was absent on the day of this event. Upon Kathryn Murphys return it is alleged that she falsified documents related to the event with the intent to mitigate the actions and consequences of the impaired nurse. It is alleged that she allowed the impaired nurse to affirm administration of medication that she would not have been cognizant of administering.

Hermitage Hall provides services for youth who struggle with social, emotional and behavioral difficulties. Some of these minor children come from homes with issues related to substance abuse or they may have a personal history of substance abuse. The offending nurse peer was not a minority. She retained employment at Hermitage Hall after this incident. After her termination for another alleged drug related infraction she became employed by a "Sister" facility operated by Universal Health Services.

6. On or around July 23, 2018 a complaint related to the events at Hermitage Hall was made to Carrie Lovett. A complaint was made relative to Corey Jacksons misconduct and other inappropriate matters to include workplace safety, falsification of documentation and concerns related to the well-being of the minor children residing at the facility.
7. Corey Jackson was appointed as Interim CEO. It is alleged that during that appointment Kathryn Murphy reported directly to him.
8. After the complaint was made to Carrie Lovett, HR Director Paula Vance made notification to the plaintiff that an investigation was initiated. She also made notification that she would initiate an inquiry for allegations related to DON Kathryn Murphy only. Paula Vance also advised that she was knowledgeable of the allegations related to COO Corey Jackson to whom she reported to. In the matter of Kathryn Murphy there was no inquiry made to the plaintiff related to the allegation of falsification of documentation. It is unknown if this allegation was pursued. Kathryn Murphy terminated a minority nurse for falsification of documentation. Corey Jackson was present during the latter part of that termination and the plaintiff witnessed Corey Jackson

laughing when the terminated nurse was asked to leave. Kathryn Murphy was a catalyst for the constructive discharge of another minority nurse and usual modus operandi was used to achieve that outcome.

9. Details of alleged biased treatment towards the plaintiff was submitted to Paula Vance. It is alleged that Universal Health Services and its agents were intentional in its failure to conduct a proper inquiry into all allegations. The initial complaint was made on or around July 23, 2018. As of Sept 14, 2018, the plaintiff had not received a response relative to the allegations. The defendant failed to respond to the plaintiff regarding the initial complaint or subsequent complaints. It is alleged that the failure to respond and act on complaints establishes the reasonable belief that Universal Health Services had no intent to treat its minority employees fairly, consistently or protect their right to participate in protected activity. On or around May 17, 2019 the plaintiff was made aware of a response by Universal Health Services thru a position statement issued to EEOC. In that position statement Corey Jackson stated that he was in a relationship with the plaintiff for a short time. Corey Jackson pursued the plaintiff almost immediately upon hire. The plaintiff was not acquainted with Corey Jackson prior to employment at Hermitage Hall. In that position statement by Universal Health Services Kathryn Murphy denied a relationship with Corey Jackson. Corey Jackson also denied having an intimate relationship with Kathryn Murphy. It is alleged that Kathryn Murphy disclosed the details of the intimate relationship with other parties in addition to the plaintiff. It is alleged that Corey Jackson has a history of failing to maintain appropriate boundaries with female staff. It is alleged that Corey Jacksons response to the investigation was misleading and untrue and it was made with the intent to discredit and devalue the plaintiff after she refused to continue in an intimate relationship with him upon Kathryn Murphys disclosure. In contrast, Corey Jackson (whom Kathryn Murphy stated she was in an intimate relationship with) affirmed her denial to conceal

his predatory behavior and to permit her to engage in unlawful activity and to commit such acts without consequence. His actions and response demonstrate that sex is a condition of employment as he supported Kathryn Murphy and left the plaintiff at a grave disadvantage after she terminated the intimate relationship. Universal Health Services failed to enforce fraternization policies and Corey Jackson remained employed at Hermitage Hall after the complaint. That decision contributed to the hardship of the plaintiff and simultaneously allowed his other sexual partner to offend without consequence. Relative to Corey Jackson there were no additional inquiries made on behalf of Universal Health Services to the plaintiff after the initial complaint, nor was there a response. Universal Health Services validated the statements of Corey Jackson and Kathryn Murphy as evidenced by inclusion in position statement. The plaintiff was not given a response or opportunity to disprove the statements made by Corey Jackson or Kathryn Murphy. Universal Health Services stated that the plaintiffs allegations were vague without additional inquiry or any further attempt at fact finding.

10. After participating in a protected activity the plaintiff received a series of adverse actions related to job performance some of which were not supported by the written policies established by Universal Health Services. It is alleged that HR director Paula Vance was aware that she and Kathryn Murphy were surreptitiously and intentionally disregarding established company policies and failing to apply policies fairly and consistently. Paula Vance repeatedly operated in contrast of written policies to the detriment of minority employees. It is alleged that the intent was to create a basis for termination to disguise actions that were racially motivated. It is alleged that Paula Vance used similar tactics with the intent to hasten the termination of minority employees or act in a manner that would result in a constructive discharge . It is alleged that Universal Health Services was aware of multiple complaints of racism related to Paula Vance and failed to act.

11. CEO Marco Tomat, Interim CEO Mark Fleming and CEO Maurice Ware were made aware of the difficulties that the plaintiff was encountering on the job. All CEOs were knowledgeable relative to the initial complaint. Relative to subsequent complaints made by the plaintiff, there was no inquiry, no response or action. On one occasion a CEO mocked the plaintiff after learning of the intent to resign.
12. During the plaintiffs time of employment patterns of harassment, sexual harassment, retaliation, racial & age discrimination were observed. Written policies were applied disproportionately and to the detriment minority employees.
13. It is alleged that unlawful factors were a deciding factor for a job assignment. In August 2018 the plaintiff applied for an internal assignment. At the time of the application the plaintiff was performing the required job duties for that position and had already worked in that assignment regularly after initial hire. The person previously working in that position possessed the same licensure as the plaintiff. The prior employee was not a minority. The subsequent hire for that position was not a minority. Additionally, the hiring of the subsequent candidate violated UHS policy. Per policy the candidate must have possessed the appropriate licensure at the time of hiring. That employee was not licensed at the time hire, she had no prior experience as a licensed nurse and she was not a minority. The plaintiff was qualified for the assignment and had been performing the duties of the position. However, the HR director advised the plaintiff that she "Held on" to the application so that the search could continue for a candidate. The plaintiff was informed that the unlicensed candidate was a more qualified candidate. On a second attempt to obtain the assignment the plaintiff was given a different reason for non-selection. A reason that was not indicated upon the initial rejection.
14. Universal Health services and its agents engaged in unlawful practices that would deter a reasonable person from participating in a protected activity.

15. The defendant failed to supervise its agents in an effort to prevent unlawful behavior
16. The defendant further failed at sufficient inquiry and taking corrective action after issues were reported.
17. I, the plaintiff sustained injury as a result of the actions of the defendant and its agents.
18. There is a relationship between the actions of the defendant and the injuries sustained by the plaintiff.
19. In the matter of this complaint the defendant Universal Health Services d/b/a Hermitage Hall was liable for its agents and its agents actions.
20. As a direct result of the defendants unlawful actions I, the plaintiff have suffered damages including but not limited to emotional distress, humiliation, anguish and monetary loss.

Related to the petition

- A. As plaintiff I am requesting the following:
- B. Compensatory damages in the maximum amount allowable
- C. Punitive damages in the maximum amount allowable
- D. Attorneys fees if counsel is obtained
- E. All costs incurred in prosecuting this action and discretionary cost provided under Tennessee law
- F. Other relief that plaintiff may be entitled to.

Respectfully Submitted

Tiffany McCray
PO Box 140875
Nashville TN 37214

CIRCUIT COURT SUMMONS

NASHVILLE, TENNESSEE

Service ID 146784

**STATE OF TENNESSEE
DAVIDSON COUNTY
20TH JUDICIAL DISTRICT**

MCCRAY, TIFFANY

Plaintiff

vs.

UNIVERSAL HEALTH SERVICES
1220 8TH AVE S
NASHVILLE, TN 37203

Defendant

CIVIL ACTION
DOCKET NO. 20C259
Method of Service:
Certified Mail

To the above named Defendant:

You are summoned to appear and defend a civil action filed against you in the Circuit Court, 1 Public Square, Room 302, P.O. Box 196303, Nashville, TN 37219-6303, and your defense must be made within thirty (30) days from the date this Summons is served upon you. You are further directed to file your defense with the Clerk of the Court and send a copy to the Plaintiff's attorney at the address listed below.

In case of your failure to defend this action by the above date, judgment by default will be rendered against you for the relief demanded in the Complaint.

ISSUED: 03/12/2020

RICHARD R. ROOKER

Circuit Court Clerk
Davidson County, Tennessee

By: /s/ Marshall McCune
Deputy Clerk

ADDRESS OF PLAINTIFF'S ATTORNEY OR PLAINTIFF:

TIFFANY MCCRAY
PO BOX 140875
NASHVILLE, TN 37214

NOTICE TO THE DEFENDANT:

Tennessee law provides a Ten Thousand and 00/100 Dollars (\$10,000.00) debtor's equity interest personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

CERTIFICATION

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

I, Richard R. Rooker, Clerk of the Circuit Court in the State and County aforesaid, do hereby
certify this to be a true and correct copy of the original summons issued in this case.

RICHARD R. ROOKER, CLERK

By: /s/ Marshall McCune D.C.



To request an ADA accommodation, please contact Dart Gore at (615) 880-3309

CIRCUIT COURT SUMMONS

NASHVILLE, TENNESSEE

Service ID

**STATE OF TENNESSEE
DAVIDSON COUNTY
20TH JUDICIAL DISTRICT**

MCCRAY, TIFFANY

Plaintiff

vs.

UNIVERSAL HEALTH SERVICES
1220 8TH AVE S
NASHVILLE, TN 37203

Defendant

CIVIL ACTION
DOCKET NO. 20C259
Method of Service:
Certified Mail

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify and return, that on the ____ day of ____, 20__, I sent, postage prepaid by registered return receipt mail or certified return receipt mail, a certified copy of the Summons and a copy of the Complaint/Petition in Docket No. 20C259 to the Defendant, UNIVERSAL HEALTH SERVICES . On the ____ day of ____, 20__, I received the return receipt for said registered or certified mail, which had been signed by ____ on the ____ day of ____, 20__. Said return receipt is filed with the original Summons Return and both documents are being sent herewith to the Circuit Court Clerk for filing.

SWORN TO AND SUBSCRIBED BEFORE ME, ON THIS
____ DAY OF ____, 20__.

PLAINTIFF, PLAINTIFF'S ATTORNEY or OTHER PERSON
AUTHORIZED BY STATUTE TO SERVE PROCESS

____ NOTARY PUBLIC or ____DEPUTY CLERK
MY COMMISSION EXPIRES: _____



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